

(In effect as of January 1, 2005*)
TABLE 12. DEATH BENEFITS FOR SURVIVING SPOUSES AND CHILDREN PROVIDED BY
WORKERS' COMPENSATION IN THE U.S.

SAWW - State's Average Weekly Wage

Jurisdiction	Percentage of employee's wage	Spouse & Children	Payments Per Week		Percentage of SAWW	Maximum Period 1/	Notes
	Spouse Only		Minimum	Maximum			
Alabama.....	50	66 2/3	\$167 27.50% of SAWW, or work- er's average wage if less.	\$607.00	100	500 weeks	
Alaska.....	80% of work- er's spend- able earnings	up to 100% of work- er's spendable earnings (depending on number of child- ren)	\$110 or 22% of the SAWW if employ- ee shows proof of wages, or worker's spendable weekly wage if less.	\$832.00	120	After 12 years a spouse's benefit payments are terminated unless spouse is perma- nently and totally disabled or has reached age 52.	Children receive benefits if full- time students re- gardless of age for first 4 years. Spouse receives 2- year lump sum upon remarriage. WC benefits subject to offsets under Social Security and an em- ployer pension or profit sharing plan.

*See Introduction page.

1/The term "widow/widowerhood" means the period until the death or remarriage of either surviving spouse.

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	Spouse Only		Minimum	Maximum			
Arizona.....	66 2/3	66 2/3	Payable, but not statutor- ily pre- scribed.	\$369.27	N/A	Widow/Widowerhood; children until 18 or married.	Children receive benefits beyond 18 if physically or mentally disabled, or until age 23 if full-time students.
Arkansas....	35	35 - spouse 15 - each child	\$20	\$466.00	85	Widow/Widowerhood; children until 18 or married.	Spouse receives 2- year lump sum upon remarriage. Child- ren receive benefits beyond 18 if physi- cally or mentally disabled, until age 25 if full-time students.
California..	66 2/3	66 2/3	\$224	\$840.00	66 2/3	-----	Total amount payable is \$145,000 for single total dependent and one or more partial dependents, or for two total dependents, or with three or more dependents, \$160,000.

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Colorado....	66 2/3	66 2/3	\$168.65 - 25% of maximum	\$674.59	91	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage if there are no dependent children. Children are compensated be- yond 18 if physical- ly or mentally dis- abled, or until age 21 if full-time students. WC bene- fits are subject to Social Security benefit offsets.
Connecticut.	75% of work- er's spend- able earnings	75% of worker's spendable earnings	\$186.20 - 20% of SAWW or an amount not to ex- ceed 75% of worker's average wage if less.	\$931.00	100	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if physically or mentally disabled, or until age 22 if full-time students. WC benefits subject to Social Security benefit offsets.

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	Spouse Only		Minimum	Maximum			
Delaware....	66 2/3	80	\$174.61 - 22 2/9% of SAWW.	\$523.83 to \$628.60	66 2/3 to 80	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children are compensated until age 25 if full-time students.
District of Columbia..	50	66 2/3	\$255.50 - 25% of SAWW.	\$1,022.00	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children receive benefits be- yond 18 if physical- ly or mentally dis- abled, or until age 23 if full-time students.
Florida.....	50	66 2/3	\$20 or actual wage if less.	\$626.00	100	Eligible dependents as defined by statute	Lump sum compensa- tion of 26 weeks payable upon remar- riage. Children re- ceive benefits be- yond 18 if physical- ly or mentally dis- abled, or until age 22 if full-time stu- dents. Total amount payable is \$150,000.

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	Spouse Only		Minimum	Maximum			
Georgia.....	66 2/3	66 2/3	\$42.50 or average wage if less.	\$425.00	N/A	400 weeks, or age 65 for a dependent spouse and a partial dependent, whichever is greater.	Total maximum of \$125,000 applies to surviving spouse who is sole dependent at time of death, and where there are no other dependents for 1 year or less. Children receive benefits beyond 18 if physically or mentally disabled, or until age 22 if full-time students.
Hawaii.....	50	66 2/3	\$156.00 25% of SAWW, or worker's average wage if less, but not lower than \$38.	\$622.00	100	Widow/Widowerhood; children until 18.	Total maximum pay- able for a spouse is 312 times the effective maximum weekly benefit rate. Two-year lump sum payable upon re- marriage. Maximum amount does not apply to children incapable of self- support.
Idaho.....	45	60	\$244.35 - 45% of SAWW	\$325.80	60	500 weeks	Upon remarriage, spouse receives either 100 weeks of compensation or bal- ance of 500 weeks, whichever is less.

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	Spouse Only		Minimum	Maximum			
Illinois....	66 2/3	66 2/3	\$387.96 - 50% of SAWW	\$1,034.56	133 1/3	Widow/Widowerhood; children until 18, or for not less than 6 years if orphan child is under age 18.	Children receive benefits beyond age 18 if physically or mentally disabled. Two-year lump sum payable upon re- marriage in cases where there are no children. Children may receive benefits until age 25 if full-time students. Total maximum pay- able in any case is \$250,000 or 20 years of compensation, whichever is greater.
Indiana.....	66 2/3	66 2/3	\$50 or worker's average wage if less than \$75.	\$588.00	N/A	500 weeks	Children receive benefits beyond 21 if physically or mentally disabled. Two-year lump sum payable upon re- marriage in cases where there are no children or the remainder of com- pensation, which- ever is smaller. Total maximum amount payable is \$294,000.00

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	Spouse Only		Minimum	Maximum			
Iowa.....	80% of work- er's spend- able earn- ings	80% of worker's spend- able earn- ings	\$135.90 to \$144.74 according to marital status and number of dependents.	\$1,133.00	200	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage if no children. Children receive benefits be- yond age 18 if phy- sically or mentally disabled, or until age 25 if full-time students.
Kansas.....	66 2/3	66 2/3	\$299.00	\$449.00	75	Lifetime for spouse; children until 18.	An initial payment of \$40,000 is pay- able and apportion- ed 50% to surviving spouse and 50% to dependent children in addition to week- ly benefits. Child- ren receive benefits until 18, or 23 if a full-time student or physically or men- tally incapable of earning wages. Total maximum pay- able is \$250,000 excluding dependent children. WC bene- fits subject to UI and Social Security benefit offsets.

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	Spouse Only		Minimum	Maximum			
Kentucky....	50	75	\$121.45 - 20% of SAWW.	\$303.62 to \$455.42 According to number of depen- dents.	75 (widow only 50%; depen- dent child, +15% each up to maximum 75%)	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if physically or mentally disabled, or until age 22 if full-time students. Two-year lump sum payable to surviv- ing spouse upon remarriage.
Louisiana...	32 1/2	65	\$117 - 20% of SAWW, or actual wage if less.	\$438.00	75	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Child- ren receive bene- fits beyond age 18 if physically or mentally disabled, or until age 23 if full-time students.
Maine.....	80% of work- er's after tax earn- ings	80% of worker's after tax earn- ings	-----	\$523.20	90	500 weeks	Children receive benefits beyond age 18 if physically or mentally disabled. WC benefits, ex- cluding lump sum settlements, sub- ject to UI benefit offsets, except if benefits started prior to date of injury, or if bene- fits are a spouse's entitlement.

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	Spouse Only			Maximum				
Maryland....	66 2/3	66 2/3	\$50 or worker's average wage if less.	\$770.00		100	Wholly Dependent Spouse: up to \$45,000 and thereafter, so long as spouse remains totally dependent. If a spouse becomes wholly self- supporting, benefits cease once \$45,000 has been paid. A surviving spouse without dependent children who remarries, continues to receive payments for two (2) years after marriage. A surviving spouse with dependent children who remarries, loses benefits immediately upon remarriage. If a wholly dependent spouse becomes partly self-supporting, benefits continue until \$60,000 has been paid. Wholly Dependent Child: up to \$45,000 and thereafter, as long as child remains wholly dependent. At age 18, benefits cease unless: child remains wholly dependent and is incapable of self-support because of a mental or physical disability or some other sufficient reason as determined by the WCC; or the child is attending school on a full-time basis in an educational program or vocational training program accredited or approved by the State Department of Education for up to 5 years after reaching the age of 18.	Two-year lump sum payable upon remarriage if no dependent children. Children receive bene- fits beyond age 18 if physically or mentally disabled, or until age 23 if full-time students. WC benefits may continue after a maximum of \$45,000 has been paid if they remain wholly dependent survivors.

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	Spouse Only		Minimum	Maximum			
Massachusetts	66 2/3	66 2/3	\$110, plus \$6 for each dependent child.	\$918.78	100	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or regardless of age if full-time stu- dents. Dependent surviving spouses receive benefits during periods when they are not fully self-supporting. Total maximum pay- able may not exceed 250 times the SAWW in effect at time of injury. Addi- tional \$6 will be added per child if weekly benefits are below \$150.
Michigan....	80% of work- er's spend- able earn- ings	80% of work- er's spend- able earn- ings	\$382.56 - 50% of SAWW.	\$689.00	90	500 weeks	Children receive benefits until 16, 18 if full-time student, or longer if disabled, not- withstanding the 500-week limit.
Minnesota...	50	66 2/3	Payable, but not statutor- ily pre- scribed. Total minimum dependency compensation is \$60,000.	\$750.00	N/A	Surviving spouse only--10 years; surviving spouse with children-- until last child is no longer de- pendent, plus 10 years; children until 18.	Children receive benefits beyond age 19 if disabled, or until age 25 if full-time students. WC benefits subject to Social Security benefit offsets.

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	Spouse Only		Minimum	Maximum			
Mississippi.	35	66 2/3	\$25	\$351.14	66 2/3	450 weeks	An additional sum of \$250 is payable to widows. Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. Total maximum payable is \$158,013.00.
Missouri....	66 2/3	66 2/3	\$40	\$675.90	105	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon remarriage. Children receive benefits beyond age 18 if disabled, or until age 22 if full-time students, and beyond age 23, if on active duty in the Armed Forces.
Montana.....	66 2/3	66 2/3	\$252.00 - 50% of SAWW, or actual wage if less.	\$504.00	100	Surviving spouse--500 weeks or remarriage; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 22 if full-time students or if they are enrolled in an accredited apprenticeship program.
Nebraska....	66 2/3	75	\$49 or actual wage if less.	\$579.00	100	Widow/Widowerhood; children until 19.	Two-year lump sum payable upon remarriage. Children receive benefits beyond age 19 if disabled, or until age 25 if full-time students.

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	Spouse Only		Minimum	Maximum			
Nevada.....	66 2/3	66 2/3	-----	\$633.08	150	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re-marriage. Children receive benefits beyond age 18 if disabled, or until age 22 if full-time students.
New Hampshire.	60	60	\$213.90 - 30% of SAWW not to exceed employee's after tax earnings.	\$1,069.50	150	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 25 if full-time students.
New Jersey..	70	70	\$178 - 20% of SAWW	\$666.00	75	Widow/Widowerhood; children until 18 (or if full-time student, until the age of 23 years)	Surviving spouse who remarries is paid 100 times the amount of weekly compensation or remaining amount which would have been due had the spouse not remarried, whichever is less. Children receive benefits beyond age 18 if disabled. Supplemental benefits for death are subject to Social Security, black lung, or disability pension benefit offsets.

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	Spouse Only			Maximum				
New Mexico..	66 2/3	66 2/3	Payable, but not statutor- ily pre- scribed.	\$563.32		100	700 weeks	Two-year lump sum payable upon re-marriage. Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. Total maximum equals 700 multiplied by the maximum weekly benefit payable at the time of injury.
New York....	66 2/3	66 2/3	\$40	\$400.00		N/A	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re-marriage. Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. WC payments subject for widow/widower subject to Social Security Survivor benefit offsets.

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	Spouse Only		Minimum	Maximum			
North Carolina..	66 2/3	66 2/3	\$30	\$704.00	110	400 weeks	WC benefits are payable to a surviving spouse incapable of self-support for life. Dependent children receive benefits beyond the 400-week limit until age 18.
North Dakota....	66 2/3	66 2/3	\$315 - 60% of SAWW	\$777.00 plus \$10 per week for each dependent child.	110	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. Surviving spouses receive a \$1,200 lump sum and a \$400 sum for each dependent child. Total maximum payable is \$250,000. Scholarships up to \$3,000 per year for five years may be for spouse and dependent children. 65-05-21 Marriage Settlement- If spouse re-mariies a lump sum of 400 weeks compensation shall be paid.
Ohio.....	66 2/3	66 2/3	\$339.00 - 50% of SAWW.	\$678.00	100	Widow/Widowerhood; children until 18; if mentally/physically incapacitated from having earnings, benefits continue until no longer incapacitated.	Two-year lump sum payable upon re-marriage. Children receive benefits beyond 18 if disabled, or until age 25 if full-time students.

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	Spouse Only		Minimum	Maximum			
Oklahoma....	70	100, if the deceased's average weekly wage is less than the SAWW. If the deceased's AWW is equal to or greater than the SAWW, then the maximum is the SAWW.	-----	\$528.00	100	Widow/Widowerhood; children until 18.	Two year lump sum payable upon re-marriage. Children receive benefits beyond 18 if disabled, or until age 23 if full-time students. Spouse receives lump sum of \$20,000 and \$5,000 for each child not to exceed \$10,000
Oregon.....	66 2/3	Spouse 66 2/3 and each child 10% (no spouse, or not dependent on current spouse; each child 25%)	\$459.06	\$688.56	100	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if disabled, or until age 23 if attending college within in 6 months of high school graduation. Spouse receives 36 times the monthly benefit amount in a lump sum upon remarriage. Spouse receives 4.35 times 25% of SAWW a month per child for each child under age 18. If the surviving spouse dies before all children are age 18, child under 18 receives 4.35 times 25% of SAWW a month until age 18.

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Pennsylvania	51	66 2/3	AWW shall be no less than 50% of SAWW. The percentage of AWW can range from 32% to 66 2/3% depending upon whether there is a widow and the number of children.	\$675.00	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable to widows upon remarriage. Children receive benefits beyond 18 if disabled, or until age 23 if full-time students.
Puerto Rico.	50	85	\$130 (payable per month)	\$430.00 (payable per month)	N/A	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if disabled. As an advance, widows receive a sum of \$760. Children receive benefits until age 25 if full-time students.
Rhode Island....	75 spend-ble earnings	80	-----	\$760.00 plus \$40 for each dependent child.	110	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if disabled, or until age 23 if full-time students.
South Carolina..	66 2/3	66 2/3	\$75 or worker's average wage if less.	\$592.56	100	500 weeks	Two-year lump sum payable upon remarriage. Children receive benefits beyond 19 if disabled, or until age 23 if full-time students.

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South Dakota....	66 2/3	66 2/3	\$257 - 50% of SAWW, or worker's average wage if less.	\$513.00 plus \$50 per month for each child.	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon remarriage. Children receive benefits beyond 18 if disabled, or until age 22 if full-time students. If there are non-custodial children the spouse and these children split the benefit. \$2000 scholarship per year for dependent up to 5 years if a SD school is attended.
Tennessee...	50	66 2/3	\$95.70 - 15% of SAWW.	\$638.00	100	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if disabled, or un- til age 22 if full- time students. Tot- al maximum amount payable is \$239,600. Lump sum of \$20,000 will be paid to de- cedent's estate when there are no depen- dents.
Texas.....	75	75	N/A	\$539.00	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children receive benefits be- yond 18 if disabled, or until age 25 if full-time students.

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Utah.....	66 2/3	66 2/3	\$45 to \$70 accord- ing to num- ber of de- pendents.	\$501.00	85	312 weeks	WC benefits may be extended if surviv- ors remain wholly dependent. After 312 weeks, bene- fits to wholly de- pendent spouse be- come subject to Social Security benefit offsets. 52-week lump sum or remainder of award payable upon remarriage, which- ever is less.
Vermont.....	66 2/3	76 2/3	\$305 - 50% of SAWW.	\$915.00	150	Widow/Widowerhood until age 62; children until 18.	Children receive benefits beyond 18 if disabled and wholly dependent or if full-time students.
Virginia....	66 2/3	66 2/3	\$176.50 - 25% of SAWW, or actual wage if less.	\$706.00	100	500 weeks	Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students.

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Virgin Islands 2/	-----	-----	-----	-----	---	-----	-----
Washington..	60 if death is related and DOI is after 07/01/1971	70 60 + 2% x S with 70% as maximum	\$185 a month if single, \$215 a month if married.	different maximums dependent on DOI	Status based on DOI	Widow/Widowerhood; children until 18. will vary depending on whether or not the death was related.	Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. A one-time supple- mental payment equal to 100% of State average month- ly wage is also paid at time of death. Upon remarriage, surviving spouse is entitled to a lump sum of 24 times the monthly compensation rate in effect on date of remarriage allocable to the spouse. Varies depending on DOI

2/ Virgin Islands: Dependents are entitled to receive compensation of not less than \$25,000, nor more than \$50,000; except for dependents of policemen and firemen who are entitled to not less than \$25,000, nor more than \$50,000 at the discretion of the Commissioner of Labor.

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West Virginia..	66 2/3	66 2/3	\$144.20**	\$545.36	100	Lesser of widow/widowhood or date claimant would have reached age 70; children until 18.	Children receive benefits beyond age 18 if disabled, or full-time students under the age of 25. **Subject to Federal minimum weekly wage.
Wisconsin...	66 2/3	See Notes	\$20	\$711.00	110	300 weeks	Additional WC bene- fits are payable from the State Fund for dependent child- ren under age 18 (10% of surviving spouse's benefit is the allowance made for each child); and if child is over age and disabled, bene- fits may continue for 15 years.
Wyoming.....	-----	-----	-----	\$586.00 Based on earnings in calendar quarter when injured.	100	54 months	Children receive benefits until age 18 or to age 21, if disabled. If the child is enrolled in or pre-registered in an educational institution, the child shall receive the benefit to age 21. Children's benefits adjusted annually for inflation. Surviving spouse may apply annually to continue payment beyond 54 months at 33 1/3% of SAWW.

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United States*: FECA.....	50	75	\$1,464.00 3/ or actual wage if less.	\$1,776.16	See Notes	Widow/Widowerhood; children until 18.	WC benefits are based on the pay of a specific grade level in the Federal Civil Service. Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students.
LHWCA.....	50	66 2/3	\$257.70 50% of NAWW**, or actual wage if less.	\$1,030.78	N/A	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. **National Average Weekly Wage is \$515.39.

*Federal Employees' Compensation Act; Longshore and Harbor Workers' Compensation Act.

3/ FECA: Minimum indicated is the absolute amount of compensation payable monthly for death.